

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**ELSIE EDQUILANG GARCIA**  
**3108 Julie Court**  
**West Covina, CA 91792**

**Registered Nurse License No. 238610**

Respondent

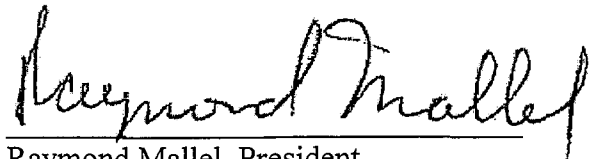
Case No. 2013-81

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Repeval is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 15, 2013.**

IT IS SO ORDERED **February 15, 2013.**



Raymond Malle, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RANDY M. MAILMAN  
Deputy Attorney General  
4 State Bar No. 246134  
300 So. Spring Street, Suite 1702  
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*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2013-81

11 **ELSIE EDQUILANG GARCIA**  
12 3108 Julie Court  
West Covina, CA 91792  
13 Registered Nurse License No. 238610

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

[Bus. & Prof. Code § 495]

14 Respondent.

15 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
16 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer  
17 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order for  
18 Public Reproval which will be submitted to the Board for approval and adoption as the final  
19 disposition of the Accusation.

20 **PARTIES**

21 1. LOUISE R. BAILEY, M.ED., RN ("Complainant") is the Executive Officer of the  
22 Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Randy M. Mailman, Deputy Attorney General.

25 2. Elsie Edquilang Garcia ("Respondent") is represented in this proceeding by attorney  
26 Jeffrey S. Pollak of Ropers Majeski Kohn & Bentley, whose address is: 515 South Flower Street,  
27 Suite 1100, Los Angeles, CA 90017-2213.  
28

3. On or about November 30, 1973, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 238610 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-81 and will expire on January 31, 2013, unless renewed.

## JURISDICTION

4. Accusation No. 2013-81 was filed before the Board of Registered Nursing, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 1, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2013-81 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2013-81.. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-81.

///.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's Disciplinary Order below.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reprimand shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order for Public Reprimand is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reprimand may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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IT IS FURTHER ORDERED that within 1 year from the effective date of this decision, Respondent shall pay \$2,700.00 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until Respondent pays costs in full.

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorney, Jeffrey S. Pollak. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

Elsie E. Garcia  
ELSIE EDQUILANG GARCIA  
Respondent

Jeffrey S. Pollak of Ropers Majeski Kohn & Bentley  
Attorney for Respondent.

III

ENDORSEMENT

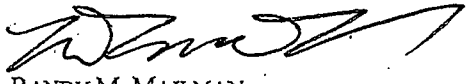
The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

For

  
RANDY M. MAILMAN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 2013-81**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RANDY M. MAILMAN  
Deputy Attorney General  
4 State Bar No. 246134  
300 So. Spring Street, Suite 1702  
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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2013-81**

11 **ELSIE EDQUILANG GARCIA**  
12 **3108 Julie Court**  
13 **West Covina, CA 91792**

**A C C U S A T I O N**

14 **Registered Nurse License No. 238610**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
20 of Consumer Affairs.

21 2. On or about November 30, 1973, the Board of Registered Nursing issued Registered  
22 Nurse License Number 238610 to Elsie Edquilang Garcia ("Respondent"). The Registered Nurse  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on January 31, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.



4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

## STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:..."

8. Section 2811, subdivision (b) of the Code provides:

“Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.”

## **REGULATORY PROVISIONS**

9. California Code of Regulations, title 16, section, 1419.3 provides:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

## **COST RECOVERY**

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## **FIRST CAUSE FOR DISCIPLINE**

### **(Unprofessional Conduct)**

11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The conduct is more particularly described as follows:

12. On or about August 26, 2008, while working as a registered nurse at Kindred Hospital of San Gabriel Valley, Respondent intentionally slapped an 85 year old patient in the leg while attempting to change the patient's bandages.

13. Respondent's failure to provide considerate and respectful care at all times constitutes unprofessional conduct.

**PRAYER**


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 238610, issued to Elsie Edquilang Garcia;

2. Ordering Elsie Edquilang Garcia to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 7/24/2012

*for*   
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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**Exhibit B**

**Letter of Public Reproval in Case No. 2013-81**



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

**Board of Registered Nursing**  
P O Box 944210, Sacramento, CA 94244-2100  
P (916) 322-3350 | [www.rn.ca.gov](http://www.rn.ca.gov)  
**Louise R. Bailey, M.ED., RN, Executive Officer**



February 15, 2013

Elsie Edquilang Garcia  
3108 Julie Court  
West Covina, CA 91792

RE: LETTER OF PUBLIC REPROVAL  
In the Matter of the Accusation Against:  
Elsie Edquilang Garcia, Registered Nurse License No. 238610

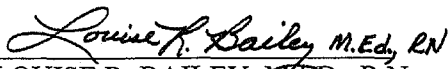
Dear Ms. Garcia:

On July 24, 2012, the Board of Registered Nursing ("Board"), Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you engaged in unprofessional conduct, a violation of Business and Professions Code sections 2761, subdivision (a). On or about August 26, 2008, while working as a registered nurse at Kindred Hospital of San Gabriel Valley, you intentionally slapped an 85 year old patient in the leg while attempting to change the patient's bandages. Your failure to provide considerate and respectful care at all times constitutes unprofessional conduct.

Taking into consideration that you have been a registered nurse in since 1973 without prior incident, you have received excellent job performance evaluations from Kindred Hospital, you enjoy a reputation as a caring and compassionate nurse, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice registered nursing, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California